UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/2002/8
26 March 2002

Original: ENGLISH
Only ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-eighth session
Geneva, 29 April-17 May 2001
Item 3 of the provisional agenda

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Day of General Discussion on article 3 of the Covenant: equal right of men and women to the enjoyment of economic, social and cultural rights set forth in the ICESCR

Monday, 13 May 2002

# *Domestic violence - an 'Equal Rights Issue'*
# *A history and analysis of ECOSOC and other UN documents on the prevention of and response to violence against women in the family**

Background Paper submitted by Krisztina Morvai, Associate Professor of Law, ELTE University, School of Law and Head of Women's Rights and Children's Rights Research and Training Center , Budapest(Hungary)**

---

* Issued as submitted

**The views expressed in the present document are those of the author and do not necessarily reflect those of the United Nations.

GE.02-40937

I. Introduction

1.In the last quarter of a century the United Nations and its specialized bodies - such as WHO and UNICEF - have published a large number of conventions, recommendations and reports in the field of violence against women and specifically on domestic violence. This global social phenomenon *should not be treated as the 'private problem' of individual women or as a 'family affair'.* Instead, in accordance with the UN documents in the field, it is the responsibility and the duty of the international community as well as of *Governments to address it* with complex, coordinated sets of effective legal measures and policies.

2.At this stage we all have to be confronted by the fact, that violence against women in general and domestic violence in particular is *a gender specific phenomenon,* an extremely serious and severe manifestation of *discrimination against women*, closely connected to unequal and unjust power relations in our societies. In other words, violence in the family, violence between spouses or intimate partners, the phenomenon that affects women as victims disproportionately and widely, is a *clear and cruel manifestation of the subordinate position of women in societies.*

3.The numerous UN documents and instruments in the field of the prevention of and response to violence against women, including domestic violence, are *more than symbolic declarations*. They *should be known, referred to and effectively used* by individual women, by NGOs and other concerned groups as well as by Governments in their efforts towards effective changes in the lives of women actually or potentially effected by gender-based violence.
In spite of the achievements of modern ways of 'information-transfer', such as the Internet, it is not easy to become familiar with these documents, which were meant to be used as effective tools towards changes in legislation, policies, principles and strategies.
The main reason for this difficulty is, oddly, the extremely large number of the relevant UN documents in the field. At this stage it would be *almost impossible to even list their titles* in the form of a 'UN documents in the fields violence against women/domestic violence catalog', let alone to learn, understand and effectively use them all.

4. Instead of trying to put together such a catalog, my aim in this paper is to write an overview, *an outline of the main stages of the development of UN based work in the field of violence against women* (with an emphasis on domestic violence). In other words I would like to outline the history of the development of the international standards in the field on the basis of some crucial UN documents. I would like to follow and identify the developmental process in which domestic violence first became *a 'public issue' from a 'private issue' and than a 'human rights issue'.* Moreover I would like to identify the most important theoretical elements/concepts in each stage of the development and to derive and conclude from these what kind of 'state actions' are required on the basis of them.

II. An outline of international responses to domestic violence – as reflected in UN documents

5.In 1996 Secretary General Boutros Boutros-Ghali summarized the change of paradigm in the international discourse on violence against women, including domestic violence, with the following words:

*'In earlier decades, international discussions in the Commission on the Status of Women and other forums did not address the issue of violence as an all-encompassing human rights problem requiring specific government response. Instead, the problem was framed in terms of domestic violence and violence involving specific categories of women, such as refugees and migrant workers. Many in the international community regarded violence against women as a private matter between individuals, not a public human rights issue requiring government or international action. However, after many years of work by women's organizations and other NGOs, a view began to take hold among Governments, that all forms of violence against women, including domestic abuse, are a matter of major concern to the international community.'*[1]

On the basis of their specificities I identified three main phases in the (above outlined) history of the development of international norms and standards concerning responses to violence against women and in particular domestic violence. The first phase starts with the World Conference on the United Nations Decade for Women: Equality, Development and Peace, held in Copenhagen in 1980 (hereinafter Copenhagen conference) and ends with the 1993 World Conference on Human Rights, held in Vienna. This was the period of time in which domestic violence became *a 'public issue' from a 'private issue'* and responding to the phenomenon clearly became a *government responsibility* (as opposed to the responsibility of individuals and NGOs alone). The documents issued in this period gradually recognized that 'domestic violence' is one of the several forms included in a wider conceptual category: 'violence against women'. In other words: it became a clear conclusion of the work of this period that 'domestic violence' is a gender-based phenomenon, which affects mainly women and the most specific reason for victimization by these acts is that the victim belongs to the female gender. The documents of this period began to interpret violence against women in the family (domestic violence) as an extremely serious form of discrimination against women, and, as such, the phenomenon got conceptually separated from other forms of family violence (such as child abuse).

6.In the second phase of development the international community identified domestic violence as *a violation of human rights.*

The 1993 World Conference on Human Rights was a milestone in the interpretation of the concept of 'human rights'. It became evident that traditional human rights and government responsibilities in the field of human rights had to be applied to the specific situation of women in several areas of life. In the context of domestic violence this means that governments have a positive obligation to (effectively) protect the human dignity, personal freedom and integrity, right to freedom from cruel and inhuman treatment as well as other relevant human rights of women. Most importantly, this obligation and responsibility arises even if it is an individual (non-state actor, such as a spouse or partner) who violates these rights.

7. One of the main characteristics of the third phase is the formulation of *model strategies/guidelines* for Governments with the aim of more effective legislation, law enforcement and complex (multi-agency) measures in the field of domestic violence. Following the first two stages research, theory and legislative as well as enforcement experiences were available in the area of effective state responses to domestic violence. A large number of Member States have introduced new legislation and several other measures. On the basis of this huge body of knowledge and experience the Special Rapporteur on Violence Against Women and the ECOSOC (in 1995) as well as the General Assembly through ECOSOC (in 1997) have issued

---

[1] The United Nations and the Advancement of Women, 1945-1996, The United Nations Blue Books Series Volume VI, UN Department of Public Information, New York, Introduction by Boutros Boutros-Ghali p.55

such models. In addition, UN mechanisms for *the control and active encouragement of Governments' activities* in addressing violence against women/domestic violence were strengthened. These mechanisms include the request of the CEDAW Committee that Governments cover the issue of violence against women in their periodic reports, in line with General Recommendations 12 and 19. Further examples are the active work of the Special Rapporteur on Violence Against Women as well as the complaint mechanisms under the recent Optional Protocol to CEDAW.

III. Phase 1: From a 'private issue' to a 'public issue'

8. The 'pre-history'of active UN work for the prevention of and response to violence against women was written by brave and *committed women's NGOs and individual activists*. The detailed introduction to their work exceeds the limits of this paper. However I should note, that their story is an important and integral part of 'women in history' and the 'history of women'. In other words the 'pre-history' of formal UN documents on violence against women is a history of women's experiences, feminist solidarity and women's courage.One of the first books focusing on domestic violence in global literature was *Scream Quietly or the Neighbors Will Hear*, by Erin Pizzey, published in 1974. It follows from the characteristics of the history of efforts to address the issue of violence against women - mainly from the roots of these efforts in real experiences 'in the field'- that the author was the founder of the first shelter for battered women in England. The book and the documentary based on it *called attention to the phenomenon, internationally*. The speed, dynamism and commitment of the work in this area is reflected in the fact, that today the books, articles, international reports, conventions and recommendations and other documents related to domestic violence would obviously fill up a whole library. Most probably it would be impossible to collect them all.

9.Active UN work in the area started at the Copenhagen Conference in 1980. Among the 47 resolutions adopted by the Conference there is one on "Battered Women and Violence in the Family". According to the Programme of Action[2]:

*"Legislation should also be enacted and implemented in order to prevent domestic and sexual violence against women. All appropriate measures, including legislative ones, should be taken to allow victims to be fairly treated in all criminal procedures."* (Legislative measures/65.)

10. Two years later a strongly worded ECOSOC resolution[3] condemned all forms of violence against women and children, including and specifically mentioning violence in the family. From the early 1980s on ECOSOC has been keeping the issue of domestic violence on its agenda. ECOSOC resolutions in the forthcoming two decades were published almost annually. These documents *reflected on the rapidly growing body of research* in the area as well as on the variety of new legislative, law enforcement and policy decisions in several Member States. An example is Resolution 1984/14. Its Preamble is almost a mirror of the most important research conclusions of the time, regarding the nature of domestic violence:

---

[2] Report of the World Conference of the United Nations Decade for Women: Equality, Development and peace, held in Copenhagen from 14 to 30 July 1980, A/Conf/94/35

[3] ECOSOC Resolution 1982/22

*"Recognizing that violence within the family has serious negative consequences for all the individuals concerned and follows patterns of abuse that are frequently cyclical, presenting serious problems for society as a whole,*
*Further recognizing that violence within the family is found among various population groups..."*

Indeed, research on domestic violence has proved that it has *specific characteristics* that should be learned and recognized by those who work with victims and/or perpetrators, including health workers, social workers, police and the justice system. The Resolution challenges the tendency to minimize the effects and the harm of domestic violence. Moreover it refers to "patterns of abuse" and the "cyclic nature" of most domestic abuse.

Similarly, several statements in the Preamble of ECOSOC Resolution 1986/18 are reflections on research based, theoretical observations. An example is the reference to the different manifestations of domestic violence including *physical, psychological and sexual violence.*

Several theoretical publications, indeed prove, that the concrete manifestations of domestic violence belong to the three categories mentioned in the Preamble. Research indicates that in most cases of domestic violence abuses belonging to each category take place together and/or the abuser uses these forms of violence on a 'rotation basis'.

In the above mentioned Resolution 'domestic violence' is already a *separate conceptual category* that is gender specific and gender based and therefore conceptually separable from other forms of violence within the family such as child abuse.

11. At the Nairobi World Conference (on the Achievements of the UN Decade for Women) in 1985 the situation of 'abused women' and the role of Governments in addressing domestic violence were among the areas of Special concern. The language of the Report of the Conference was far more radical that that of the Copenhagen Conference five years earlier:

*'Gender specific violence is increasing and Governments must affirm the dignity of women, as a priority action. Governments should therefore intensify their efforts to establish or strengthen forms of assistance to victims of such violence through the provision of shelter, support, legal and other services. In addition to immediate assistance to victims of violence against women in the family and in society, Governments should undertake to increase public awareness of violence against women as a societal problem, establish policies and legisklative measures to ascertain its causes and prevent and eliminate such violence in particular by suppressing degrading images and representations of women in society, and finally encourage the development of educational and re-educational measures for offenders."*[4]

It is an important step forward that this document explicitely points out *the relationship between the subordination of women in society and violence against women.* This approach is futher elaborated and analyzed in several forthcoming UN documents that identify a two-way relationship between women's subordination and gender-based violence. On the one hand, societies tend to *marginalize the issue of violence against women* due to the very limited opportunities of women to articulate their specific concerns, as their share in political and all other public decision making is small. On the other hand women's frequent, serious victimization by gender specific violence (e.g. domestic violence, sexual violence, sexual harrassment at the workplace) is *an obstacle to their participation in 'public life' on equal tern s with men.*

The two-way relationship between power inequalities of the sexes in society and violence against women is clearly referred to in the following year in ECOSOC Resolution 1986/18.

---

[4] Report of the World Conference to Review and Appraise the Achieements of the United Nations Dacade for Women:Equality, Development and Peace, held in Nairobi from 15 July to 26 July 1985, including the agenda and the Nairobi Forward-looking Strategies for the Advancement of Women, A/Conf. 116/8/Rev. 1

12. A major step towards the understanding of domestic violence as a form of sex discrimination was General Recommendation 12 of the Cedaw Committee. The Convention on the Elimination of all Forms of Discrimination of Women (CEDAW), the key instrument in women's rights, often referred to as the "Bill of Rights of Women",was adopted in 1979. As I pointed out earlier, at that point violence against women in general and domestic violence in particular were not approached as discrimination/equality issues. The situation was "remedied" by General Recommendations 12 and 19 of the CEDAW Committee. These Recommendations *interpret* the concept of discrimination so that it covers violence against women, including domestic violence. According to General Recommendation 12 governements should include issues related to government responses to gender based violence in their periodic reports. General Recommendation 19 (adopted in 1992) provides a detailed analysis of the relationship between the concepts of "discrimination against women" and violence against women.

13. ECOSOC Resolution 1990/15 is concerned specifically with violence against women in the family, in addition to gender specific violence at the workplace and elsewhere in society. The Resolution calls Governments to *take immediate measures to punish these acts appropriately*. The document also stresses the importance of special *training programs* for police, prosecutors and the judiciary. Obviously all legal systems, in some form, criminalized violence against women prior to this Resolution, too. More precisely, according to the letters of the law, violence against women, including domestic violence, was hardly exempt from the general prohibition of violence in the criminal codes of the Member States. It is difficult to imagine a statute stating that "battery is a crime except if the victim is the spouse of the offender." What the Resolution was actually reflecting upon was the *gap between the letters of laws and the frequent view that the law should not be applied in "a domestic context"*. Prior to adequate attention to "appropriate penalties" the criminal law consequences of violence against wives or female partners rarely protected women from further violence and rarely reflected to the actual harm caused to the women concerned.The attitudes of those who apply the law are often also obstacles to an effective response to the phenomenon. Discriminative stereotypes about women, the lack of knowledge and understanding of the nature and the consequences of domestic violence frequently result in victim blaming and in the failure of holding the batterer responsible. This is the reason why the Resolution urges special training programs for police, prosecutors and judges.

14. The main characteristics of the first phase of the history of UN work on domestic violence are the recognition of the *gender specific nature* of certain forms of violence, such as domestic violence and the recogntation of the *public nature* of such violence. As opposed to the old attitude that considered violence against women a "private affair" to be dealt with by individual women and committed NGOs, the phenomenon became an issue for governments, legislations, public organs and the international community. Symbolically, in this process battered women as well as their batterers became adult citizens as opposed to children who can be freely "disciplined", as far as the victims are concerned, and children who are not responsible for their acts and who are not subject to criminal law, as far as batterers are concerned. Nevertheless, in addition to an emphasis on the individual responsibility of batterers, the United Nations documents on violence against women do not approach the phenomenon as individual problems. On the contrary: the documents stress the relationship between the *subordination of women and violence against women in society.*

IV. Phase 2: From a "women's issue" to a human rights issue

15. A major step forward in the historic process was *the human rights approach to the phenomenon of domestic violence.* This change of paradigm was obviously related to the transformation of the traditional approach to human rights. In the latter governments were mainly expected *to refrain from action* as opposed to being obliged to act and "human rights" as a concept was chiefly used in the context of *state action* as opposed to rights violations by individual actors.

16.The breaktrough in this was the 1993 Vienna World Conference for Human Rights. Governments were called to work on putting an end to violence against women both *in public and in private life.* This call was addressed to governments at a *human rights forum* as opposed to a specifically *women's forum.* The Vienna Declaration and Programme of Action requested the General Assemly to adopt the draft Declaration on the Elimination of Violence Against Women and called governments to fight against all forms of violence against women, in accordance with the Declaration.The Declaration was adopted by the General Assembly later in 1993. The Document is based on the new concept of human rights which was built up at the Vienna Conference and which integrated women's specific experiences and needs into the realm of human rights.The Preamble of the Declaration recognizes *"the need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings'* and notes that *"those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, in the Convention Against Torture and Other Inhuman or Degrading treatment or Punishment"* as well as in further international instruments.

17. Is there anything new in promoting the *use of earlier human rights instruments* for the protection of the rights of women? Were these instruments not meant to be applied to all human beeings, including women? The important *new approach in the Declaration* is that women's freedom, integrity and safety is relatively very often violated by *private individuals*, including their own partners. The traditional approach to human rights, in contrast, is concerned with the violation of those rights by state agents. Moreover, women victims of domestic violence need the *active intervention of the government into their "family affairs"* in order to get protection by the state from individual actors. The traditional approach, in contrast, required government passivity as opposed to government activity. The "private sphere", private life, in the traditional understanding of human rights, had to remain intact from government intervention. The statement that womens rights are human rights clearly require that *a marital relationship and the private home is not completely intact from state intervention.* As opposed to traditional human rights situations where rights are violated by the active involvement of the state in the case of battered women rights can be violated by *the states's failure to act actively in protecting the victim's right form the individual perpatrator.* As a summary, in the traditional human rights discourse the government is requested not to act in violation of the individuals' fundamental rights and the government has obligations for violations committed by its own agents. In the new discourse which is reflected in the documents of the 1993 Vienna Conference, in order to protect women's human rights, governments are expected to actively intervene (and not just to be passive and not to act) even if the rights are violated by a private individual. By failing to intervene, in

particular if this failure is systematic, the government itself violates the human rights of women, too. On the whole, this new approach is aiming at *the integration of women's experiences and women's realities into the scope of human rights* and thereby at making women subject to the protection of human rights.

18. Another important new element in the declaration is the definition of violence against women. According to Article 1:

*"For the purposes of this Declaration, the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in., physical, sexual or psychological harm or suffering to women, including threats of these acts, coercion or arbitrary deprivation of liberty, whether occuring in public or private life."*

19. Acording to Article 2 domestic violence is one of many forms of violence against women. The Declaration identifies several forms of gender based violence occuring in the family: Physical, sexual and psychological violence occuring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape.

20. The central element of the Declaration is Aritcle 3 that states:

*"Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:*
*a, The right to life*
*b, The right to equality*
*c, The right to liberty and security of person*
*d, The right to equal protection under the law*
*e, The right to be free from all forms of discrimination*
*f, The right to the highest standard attainable of physical and mental health*
*g, The right to just and favourable conditions of work*
*h, The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishement"*

21. Even though the statement that women have equal human rights with men might sound obvious, a human rights-based approach to state obligations in the prevention of and response to violence against women was pioneering in the early 1990s.Concerning these state obligations the Declaration calls governments to pursue by all appropriate means and without delay a policy of eliminating violence against women. To this end governments are expected to take several effective steps, including, to: Exercise due dilligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons (Article 4. C.)

22. Further Articles of the Declaration emphasize the need for effective efforts in the area of prevention and education. There is a call to *' modify the social and cultural pattersns of conduct of men and women and to eliminate prejudicies, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women'* (Article 4. J.)

23. Recommended measures in the field of responses to violence against women can be grouped into two main categories. Those in the first group ensure that perpatrators are held responsible and those in the second are aimed at effective support by the State to the victim. Measures in the

first category include 'penal, civil, labour and administrativ sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence' (Art. 4. D.). Governments should ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions' (Art. 4. f.). Measures to support victims of gender based violence include access to the mechanisms of justice, information for women on their rights in seeking redress through such mechanisms (Art. 4. D.) Women subjected to violence and their children should have access to specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, health and social services, facilities and programmes, as well as support structures and governments should take all other appropriate measures to promote their safety and physical and psychological rehabilitation. (Art. 4. G.)
The Declaration also emphasises the need for *research and statistics on violence against women* and the need for an effective *cooperation between governments and non-governmental organizations*.

24. Following the list of measures to be taken by governments there is a call to UN organs and specialized agencies of the UN system to contribute to the recognition and realization of the rights and principles set forth in the Declaration. It follows that, according to the Declaration, the issue of violence against women, including domestic violence, *became a human rights issue to be approached and regularly dealt with in the complex institutional human rights and other mechanisms of the UN.*

25. One of the first imporatant steps towards fully integrating the issue of violence against women into the human rights agenda of the UN was the Commission on Human Rights Resolution apponting a *Special Rapporteur on violence against women* (Commiss.on on Human Rights Resolution 1994/45).

26. The Commission on Human on Human Rights invited the Special Rapporteur to seek and receive information on violence against women, its causes anJ consequences; recommend measures, ways and means at the national, regional and international level, to eliminate violence against women and its causes, and to remedy its consequences. The work of the Special Rapporteur on violence against women has bocome an extremely important control and advisory mechanism in the prevention of and response to domestic violence.[5]

27. At its fifty-fourth session, the Commission on Human Rights, in its resolution 1998/52, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate by sending joint urgent action appeals and communications with other special rapporteurs.

---

[5] see e.g. The Report on the mission of the Special Rapporteur to Brazil on the issue of domestic violence (15-26 July 1996)

28. The human rights approach to violence against women was strong at the Fourth World Conference on Women, held in Beijing in 1995. The final report pointed out, that: *'Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The longstanding failure to promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed.*[6]

V. Phase 3: Global models for legislation, crime prevention and criminal justice measures in the field of domestic violence

29. In the previous two phases of the development of norms and standards in the field of domestic violence *the main principles of required government measures* were established. An outline for action was formulated in the framework of the Declaration on the elimination of violence against women. One of the main characteristics of the third period, from the middle of the 1990s is the *detailed elaboration of specific tasks in state legislations and criminal justice measures.* Two important documents in this area are the 'Framework for model legislation on domestic violence', a report of the Special Rapporteur on violence against women Ms Radhika Coomaraswamy (1996) and the General Assembly Resolution (52/86) on Crime prevention and criminal justice measures to eliminate violence against women (1997).

30. Both Documents are guides for Governments in developing their strategies and taking their *concrete legislative and practical measures* for the effective prevention of and response to violence against women. Both Documents contain extremely long and informative lists of such measures. The aims of specific legislation on domestic violence, alone, are elaborated in 17 points in the Framework Model. These are followed by concrete and practical recommendations for police on how to respond to domestic violence calls, how to document and register these cases, what should the police do with victims who suffered injuries etc. The Framework emphasizes the need for careful considerations for the protection of women from further violence by the perpatrator by the means of, e.g. restraining/protection orders or arrest. Detailed recommendations are addressed to prosecution services, as well as courts, too.

31. The Model Strategies and Practical Measures are divided into 11 sections that deal with criminal law, criminal procedure, police, sentencing and correction, victim support and assistance, health and social services, training, research and evaluation, crime prevention measures, international cooperation and follow-up activities.

32. Both Documents recommend rehabilitation programs for offenders who should obviouly decide to and learn to live without using violence aginst their partners. These strategic, legislative and policy guides - when understood in the context of earlier UN work towards a more effective prevention of and response to domestic violence - are excellent tools for governments in decisionmaking concerning the issue of violence against women in the family and in intimate relationships. Ideally all governments would follow all the recommendations in all the relevant areas. Obviously, however, the situation is not ideal. The more outside control upon the commitment and diligence of governments there is, in addressing the issue, the better our chances for the effective protection of women from violence.

---

[6] Report on the Fourth World Conference on Women. A/CONF. 177/20, 17 October 1995

33. Control mechanisms within the UN system include reports on the implementation of the instruments for the elimination of violence against women, including the above Models. An example is the Report of the Secretary-General on the Elimination of Violence Against Women, in 1999, taking stock of achievements in all relevant areas.[7] The responses of the CEDAW Committe on governments' periodic reports, as it follows from General Racommendations 12 and 19 are 'mirrors' to individual governments' efforts and achivements in effectively addressing domestic violence. In line with the human rights approach to the issue of violence against women in the family, all other reports to UN human rights bodies must include this question, too.

34. The ongoing work of the Special Rapporteur on Violence Against Women is a very important control mechanism as well. A relatively new and promising instrument is the Optional Protocol to CEDAW that established an individual complaint mechanism. In this framework, individual women, whose rights under CEDAW are violated can complain against their governments. Government inaction in the fields of the prevention of and effective response to domestic violence can therefor result in cases brought to the Committee in this context and it follows that - through the forthcoming case-law - the Optional Protocol can be a further effective control mechanism.

## VI. Conclusion and recommendation

35. Domestic violence is one of the most brutal forms and manifestations of discrimination against women, a major tragedy that effects the lives of millions of women, children and men around the world. The amount and the content of documents on the effective prevention of and response to this phenomenon is evidence of a deep commitment of ECOSOC and the whole United Nations organization to achieving fast and radical changes in laws, principles and policies in this field. In several Member States these documents were followed by effective action - in others they remained symbolic declarations. There are yet other countries where there is hardly any awareness of the existence of international norms and standards in an area that is still considered to belong to "the private sphere". In addition to staying loyal to the deep commitment and going on with effective work in this area within the UN system, serious consideration should be given to creative ways and means for making national government organs and non-governmental organizations becoming more aware of the existing documents and instruments, norms and standards, and use them more widely and effectively in their work towards change.

36. In order to explain and illustrate this recommendation let me be specific and use my personal professional experience, that is, I believe hardly unique. In my country, domestic violence was considered to be a "private issue", until relatively recently. Largely due to the work of some excellent NGOs and a couple of interested academics the awareness of the need for a complex and effective national strategy to address the phenomenon was growing rapidly. At this stage, our government is fully committed to take major steps in all the specific fields covered by the relevant UN documents on the prevention of and response to domestic violence, including the two Models for strategy and legislation that I mentioned earlier in this paper. I have the honor of being a member of the preparatory committee for a national plan of action and new legislation

[7] General Assembly A/54/50; ECOSOC E/1999/100

addressing domestic violence, established by the Ministry of Social and Family Affairs. The expert committee has been committed to take fully into account the recommendations, norms and standards established by the international community and to take advantage of the decades of intensive work of the United Nations and other international organizations in the field. Even with the means of modern information technology, this was an extremely challenging task. The collection of even the most important documents was very time consuming and difficult and our relatively advanced research skills can still not reassure us that we have not missed something relevant. It follows that I recommend the publication of a collection of UN Documents on the prevention of and response to violence against women/domestic violence. Such a thematic collection would be a very efficient and effective guide for planning national strategies, preparing legislation and even to "working in the field" for police, prosecutors, judges and others who should be fully informed about international norms and standards relevant to their work in cases of violence against women. NGOs and practicing lawyers could use such a handbook for reference and for submitting well-prepared NGO reports as well as cases to UN institutions.

37. Confronting domestic violence is a difficult and complex task. The effective use of the variety of UN documents in the field is certainly one of the most promising ways of doing it.

---